

BOARD OF ADJUSTMENT AGENDA

**REGULAR MEETING
MONDAY JUNE 23, 2014
4:30 P.M.**



CITY COUNCIL CHAMBERS

1. Meeting Called to Order.
2. Roll Call
3. Reading of the Minutes of the April 28, 2014 Regular Meeting.
4. Public comment period. The general public is invited to address the Board of Adjustment regarding any item on this agenda. The overall and individual speaking time allotments may be limited by the Chair.
5. Consider Eric Bowman's request to allow insufficient side buffer.
6. Consider Matt & Julia Rossow's request for an oversized overhang on a shed.
7. Consider Bo Borisow's request to allow for insufficient buffer yard requirement.
8. Consider Richard M. & Cindy S. Horeis request to allow less than the required LSF in R2 Zoning District.
9. Consider request of Ron Vlach, Victory Marine, 2450 West Military Ave to allow accessory building to be located in front yard. Article 7 Section 704.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE AND THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV AND DISTRIBUTED TO THE BOARD OF ADJUSTMENT, MAYOR AND CITY COUNCIL ON JUNE 2, 2014 AND IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC AT 400 EAST MILITARY, 3RD FLOOR. A COPY OF THE OPEN MEETING LAW IS POSTED CONTINUALLY FOR PUBLIC INSPECTION LOCATED NEAR THE COUNCIL CHAMBERS ENTRANCE DOOR BY THE AGENDAS. THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

STAFF REPORT

TO: Board of Adjustment

FROM: Justin Zetterman, City Engineer – Interim Planning Director

DATE: June 23, 2014

SUBJECT: Consider the request of Eric Bowman to receive a variance to reduce the sideyard buffer between a proposed building and an adjacent residential property.

Recommendation: Staff Recommends Approval with conditions
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Request: The applicant requests a variance to construct a warehouse building within the required 40' buffer yard between and LI – Limited Industrial property and an adjacent property to the south.

Background: This property is located at 111 South K Street. The owner purchased a residential property south of his existing property and has removed the previous structure with the intent to construct a warehouse in its location.

At the request of staff, Mr. Bowman moved forward with rezoning this new parcel of ground as well as other ground that made up his business area as LI – Limited Industrial to clean up the non-conforming use of his business within an R-2, Moderate-Density Residential district. Currently the ground which makes up his complex was split zoned as LI to the north and R-2 to the south. By rezoning this property, the requirements for a 40' buffer yard now come into play (Table 8-2).

It is staff's opinion that this variance to the buffer yard should be allowed as it will allow the applicant to construct a new warehouse that will reduce the amount of outside storage on the property.

Conditions: Staff's recommendation is made with the suggestion that the buffer yard provided must be maintained as green space and that no outside storage be allowed within the space.

Required Findings:

- (a) The strict application of the zoning regulations will produce an undue hardship.
 - The 40' buffer yard would make it very difficult to fit a new warehouse building of any size on this property. This difficulty is further enhanced by the measures that must be taken to build this warehouse within the flood plain.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance.
- (d) The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

PROPOSED LOT COMBINATION AND REZONE

OWNER: ERIC BOWMAN

SCALE: 1" = 60'

APRIL, 2014



FIRST STREET

S88°18'29"E

347.14'

281.10'

BLOCK 23

"K" STREET

S01°46'24"W

346.03'

REZONE FROM
R-2 TO L-1

"L" STREET

N01°42'40"E

346.01'

PLATTED
(ICAL)

R-2

7

8

8°19'W

6.76'

STREET

- Variance for → BoA
- Different yard req
(40' req now)

- Rezone to LI → PL
- Replat → CC

EXISTING
LOTS
FEET
EXCEPT
60 FEET
THE

THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA

THE WEST 86
FEET OF LOT 2,
OF THE NORTH
S ADDITION TO

ADDITION TO THE

PROPOSED LEGAL DESCRIPTION:

LOTS 3, 4, 5 AND 6; TOGETHER WITH THE NORTH 60 FEET OF LOT 2,
EXCEPTING THE EAST 70 FEET OF THE SOUTH 6 FEET OF THE NORTH
60 FEET OF SAID LOT 2; ALL IN BLOCK 23, ABBOTT'S ADDITION TO
THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA.

Dodd Engineering
& Surveying



Stephen W. Dodd P.E. & L.S.

Ph. 402-727-9067

402 North D, P.O. Box 1855

Fremont, NE 68026-1855

email: Steve@doddengineering.net

STAFF REPORT

TO: Board of Adjustment

FROM: Justin Zetterman, City Engineer – Interim Planning Director

DATE: June 23, 2014

SUBJECT: Consider the request of Matt & Julie Rossow of 1649 Fredericksen Street to construct a 10'x15' shed with a 6' by 15' covered patio.

Recommendation: Staff Recommends Approval.

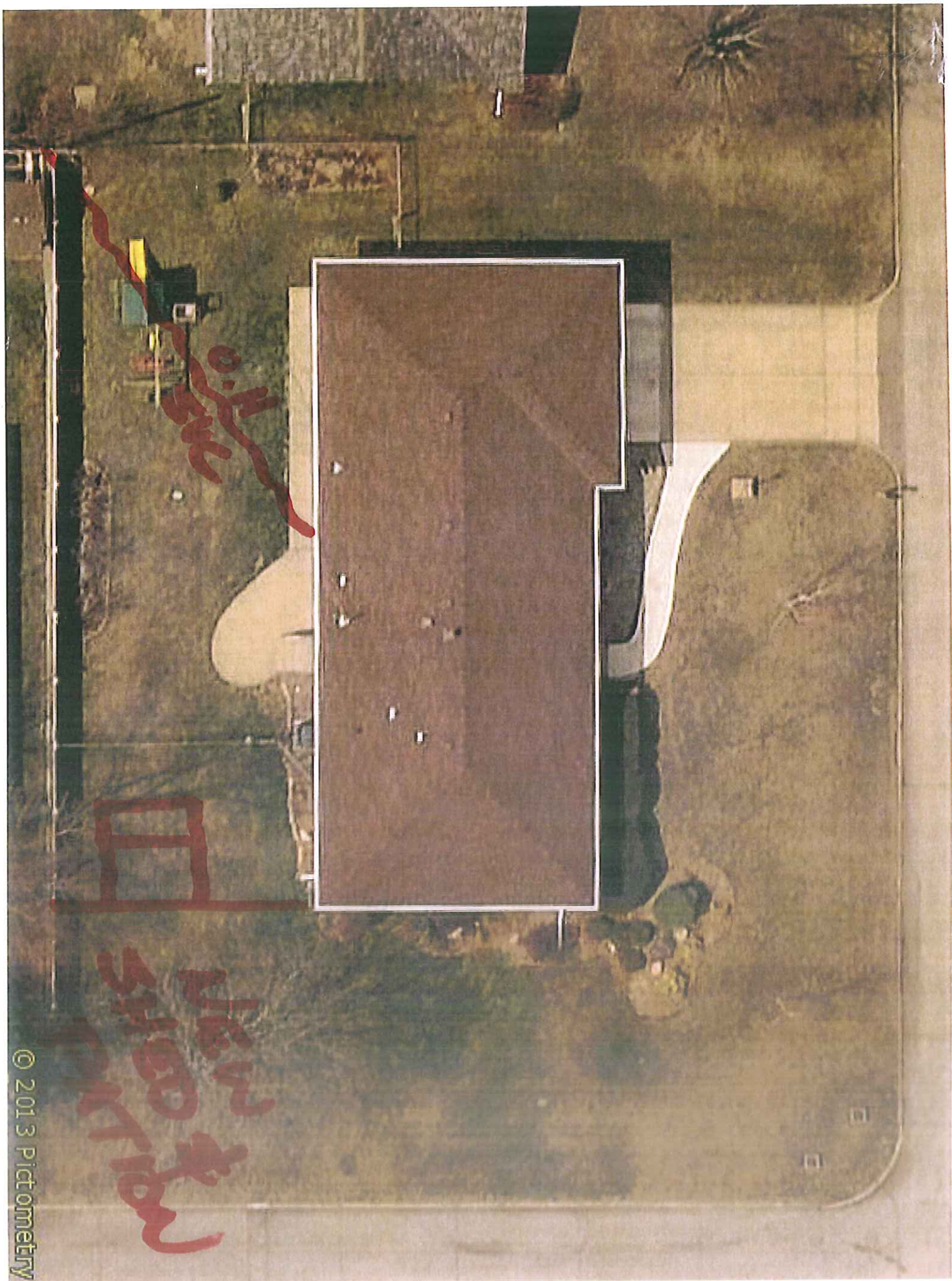
Request: The applicant requests a variance to construct a 10'x15' shed with a 6' by 15' covered patio. This overhang does not affect any side or rear yard restrictions.

Background: This property is located at 1649 Fredericksen Street and is zoned R-1 Single-Family Residential. All nearby lots are also zoned R-1.

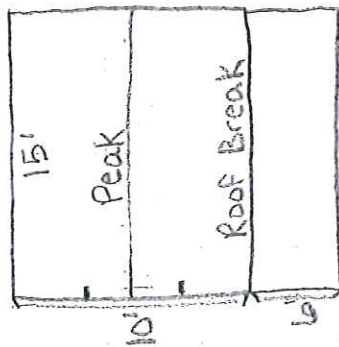
It is the opinion of staff that a variance from the code to allow a small covered patio attached to their proposed shed does not have any detrimental effect on the neighborhood or the adjacent properties.

Required Findings:

- (a) The strict application of the zoning regulations will produce an undue hardship.
 - Though a hardship is difficult to find here, nothing of what has been requested here is in any way harmful or detrimental to the area and will not affect the neighboring properties.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
 - This situation could arise with nearby properties.
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance.
- (d) The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

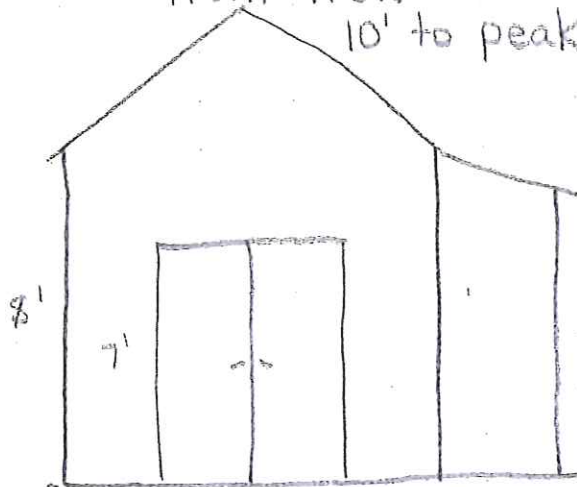


Top View



240 SF

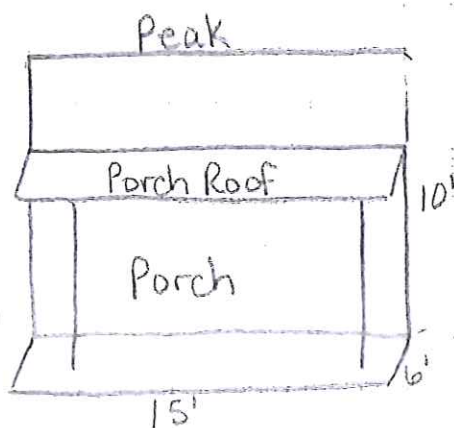
Front View
10' to peak



$$\text{LOT } 120 \times 98 \times 0.015 = 177 \text{ SF}$$

11,760

Right Side View



20'

STAFF REPORT

TO: Board of Adjustment

FROM: Justin Zetterman, City Engineer – Interim Planning Director

DATE: June 23, 2014

SUBJECT: Consider the request of All-Stor Storage, care of Bo Borisow to construct a storage/warehouse building within the required buffer yard between LI-Limit Industrial Zoning and R-2 Moderate-Density Zoning.

Recommendation: Staff Recommends Approval with conditions
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Request: The applicant requests a variance to construct a storage/warehouse building within the required 40' buffer yard between and LI – Limited Industrial property and adjacent R-2 Moderate-Density Residential properties to the north (Table 8-2).

Background: This property is located at 1460 West 23rd Street. The owner would like to construct a new building north of the existing building towards the rear of the property. The property is zoned LI Limited Industrial and is bounded by LI to the west and south, CC Community Commercial to the east and R-2 Moderate-Density Residential to the north. The proposed building would sit 25' from the north property line.

There is a 20' water main easement that runs through this piece of property, forcing this northerly building to be moved further north.

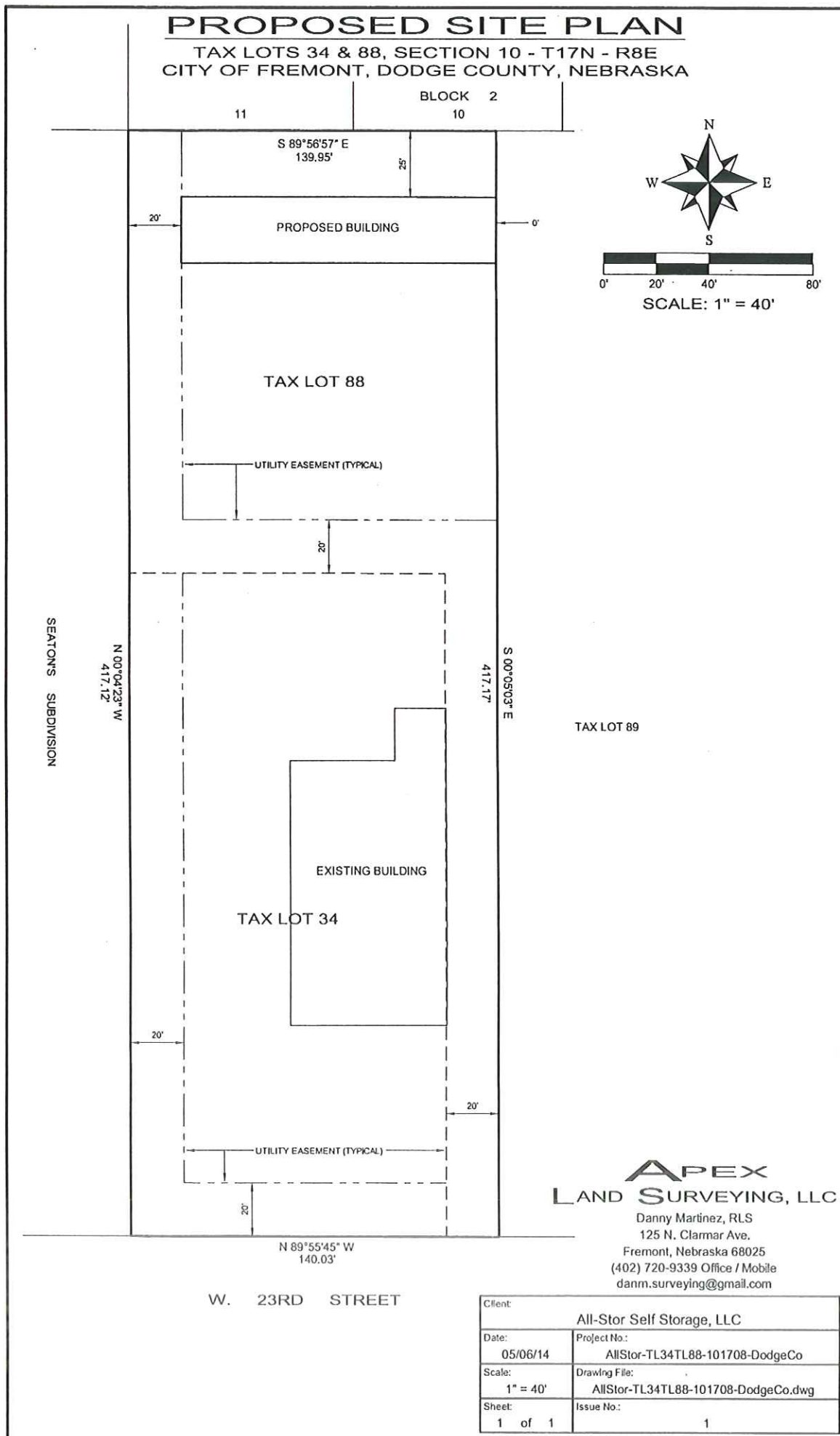
Conditions: Staff's recommendation is made with the suggestion that the buffer yard provided must be green space no outside storage be allowed within the space.

Required Findings:

- (a) The strict application of the zoning regulations will produce an undue hardship.
 - The 40' buffer yard would make it very difficult to fit a new warehouse building on this property due to the 20' wide water easement that runs east and west through the middle of the parcel and continues north along the west edge.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance.
- (d) The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

PROPOSED SITE PLAN

TAX LOTS 34 & 88, SECTION 10 - T17N - R8E
CITY OF FREMONT, DODGE COUNTY, NEBRASKA



APEX
LAND SURVEYING, LLC

Danny Martinez, RLS
125 N. Clamar Ave.
Fremont, Nebraska 68025
(402) 720-9339 Office / Mobile
danm.surveying@gmail.com

Client:		All-Stor Self Storage, LLC	
Date:	05/06/14	Project No.:	AllStor-TL34TL88-101708-DodgeCo
Scale:	1" = 40'	Drawing File:	AllStor-TL34TL88-101708-DodgeCo.dwg
Sheet:	1 of 1	Issue No.:	1

STAFF REPORT

TO: Board of Adjustment

FROM: Justin Zetterman, City Engineer – Interim Planning Director

DATE: June 23, 2014

SUBJECT: Consider the request of Richard M. and Cindy S. Horeis to re-plat two adjacent parcels of ground that they own resulting in a lot that does not conform to the minimum lot size area.

Recommendation: Staff Recommends Approval
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Request: The applicant requests a variance to re-plat 935 E Linden and 1243 N Pebble such that ground from the south half of 935 E Linden would be included as a portion of the backyard of 1243 N Pebble.

Background: Based upon the applicants' application, currently the lot for 935 E Linden is disproportionately large for a 616 square foot house. This property is owned by and used as a rental property by the Horeis. Both properties are zoned R-2 Moderate Density Residential which has a minimum lot size of 6000 SF (Table 4-3) for a single-family detached home (min. lot size of 4000 SF for a single-family attached.) The proposed re-plat would result in a 4,320

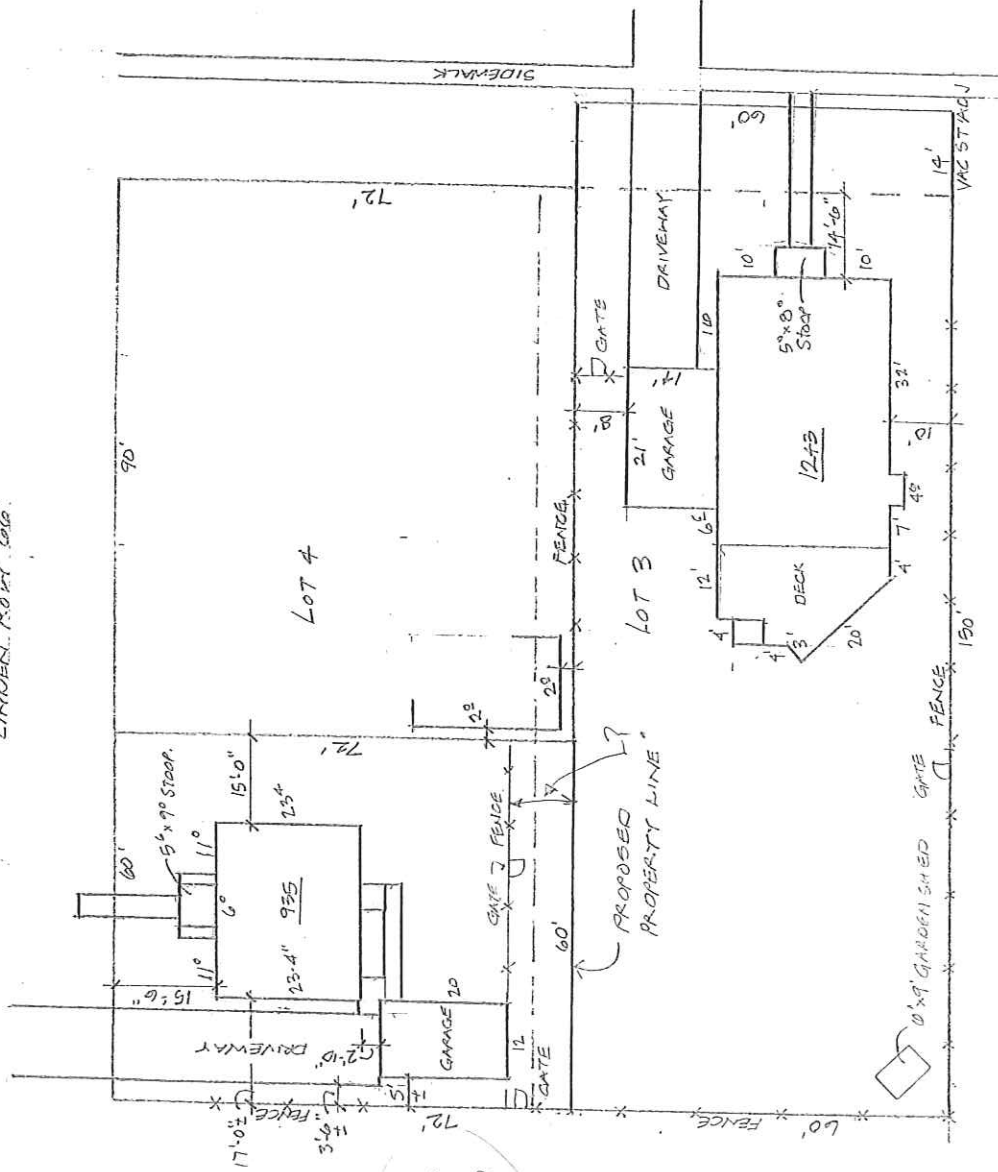
Granting this petition would create an appropriate and proportional lot for the 616 SF home at 935 E Linden and would do the same for the 1554 SF lot at 1243 N Pebble.

Required Findings:

- (a) The strict application of the zoning regulations will produce an undue hardship.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance.
- (d) The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

PROPOSED LOT CONFIGURATION

LINDEN ROW, 60'



NORTH PEBBLE ROW - 80' (60')

PROPOSED LOT PLANS
FOR 1243 PEBBLE & 935 LINDEN
1" = 20'-0"



5/22/2014

EXISTING LOT CONFIGURATION

1243 N PEBBLE

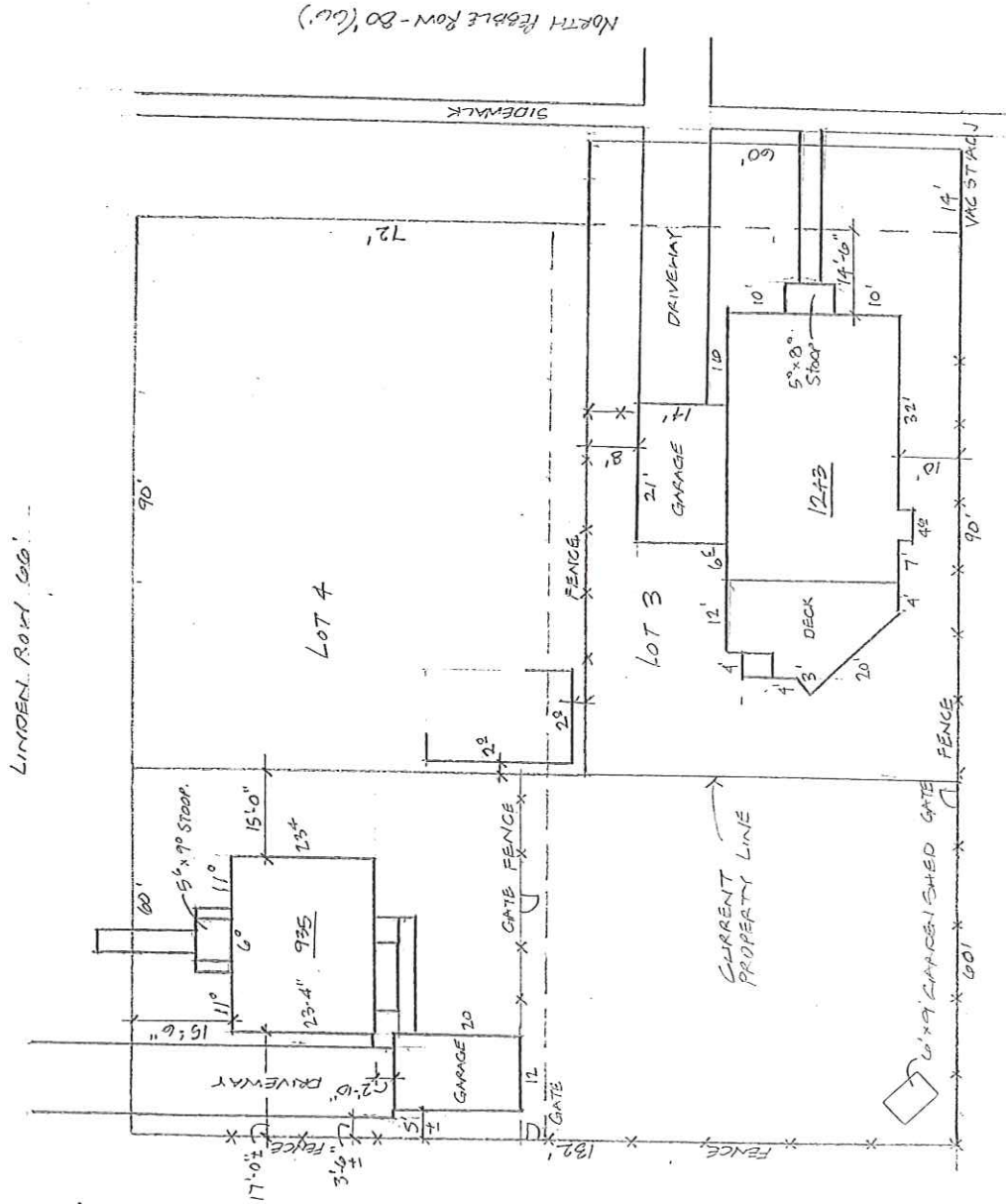
Parcel Information

Legal Description: UMSTEADS S60'E90' & 14' VAC ST ADJ LOT 3 BLK 6 & TL 368
Property ID: 270057365

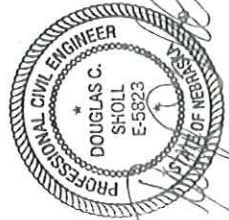
935 E LINDEN

Parcel Information

Legal Description: UMSTEADS W60' LOTS 3 & 4 BLK 6
Property ID: 270057372



EXISTING PLOT PLANS
FOR 1243 PEBBLE & 935 LINDEN
1"=20'-0"



5/28/2014

STAFF REPORT

TO: Board of Adjustment

FROM: Justin Zetterman, City Engineer – Interim Planning Director

DATE: June 23, 2014

SUBJECT: Consider the request of Ron Vlach, on behalf of Victory Lake Marine, to construct an accessory building for the purpose of long term vehicle storage in front of the principal structure. The property is located at 2450 West Military Avenue, Fremont, NE.

Recommendation: Staff Recommends Approval.

Request: The applicant requests a variance to construct an accessory building in the front yard, in front of the principal structure. This location is not within the front yard setback.

Background: This property is located at 2450 West Military Avenue and is located to the west of the municipal boundary of the City of Fremont approximately one half mile west of the intersection of Ridge Road and West Military.

The property is located in the RL Lake and River Residential Zoning District and is 10.26 acres in area. The applicant is requesting the variance from Article 7, Section 704 which notes that accessory buildings must be located to the side or rear of the principle structure. The proposed accessory building, if the variance is granted, would be placed 17.5 feet south of the existing house and 25' north of the south property line. The applicant is requesting the variance in order to leave the remainder of the property open to future subdivision actions and minimize the development footprint of the parcel.

Because the layout of the site and the likely development pressure in the future, staff is recommending approval of the variance in order to keep the majority of the property open to future development.

Required Findings:

- (a) The strict application of the zoning regulations will produce an undue hardship.
 - The house in question is an old farmhouse that was constructed with no thought of being zoned in this manner. The house sits roughly 350 feet from the south property line of the front yard. The inability to build within the front yard greatly decreases the owner's ability to use the property.
- (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity
- (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting of the variance.
 - Larger metal buildings are very common on West Military Ave when heading west from Ridge Road. There is also an existing metal building on one of the adjacent properties to the south.
- (d) The granting of the variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
- (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this zoning regulations.
- (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.

CHRISTENSEN FIELD ROAD

16TH STREET

ISAAC WALTON

T.L. 11
0.52 A

T.L. 12
7.62 A

T.L. 13
7.61 A

T.L. 32
26.5 A

T.L. 66
10.26 A

2450 W MILITARY AVE

T.L. 14
0.72 A

T.L. 14
0.72 A

T.L. 14
0.72 A

T.L. 14
0.72 A

T.L. 15
7.97 A

T.L. 21
1.16 A

T.L. 22
3.31 A

T.L. 16
0.72 A

T.L. 64
1.03 A

T.L. 63
0.32 A

LAKE NO. 13

STATE LAKES ROAD

STATE LAKES ROAD

AVENUE

MILITARY

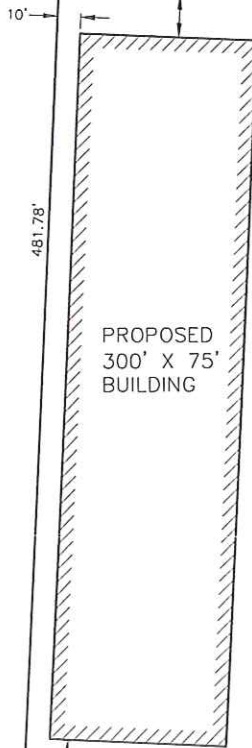
S89°58'29"W
172.31'

PROPOSED BUILDING
450 WEST MILITARY AVE.
VICTORY LAKE MARINE

2450



TAX LOT 66
10.26 ACRES



ISAAC
WALTON
LEAGUE

N02°34'07"E 608.36'



SCALE: 1" = 50'



WEST MILITARY AVENUE

N66°34'02"W
262.93'

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& Surveying



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